

J004 Rec'd PCT/PTO 27 SEP 2005

10/519845



Filed by Facsimile  
(703) 746-4060  
August 4, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Dominique Michaud  
Serial No.: 10/519,845 I.A. Filing date: July 29, 2003  
Title: METHOD FOR ENHANCING THE NUTRITIVE VALUE OF PLANT EXTRACT  
Attorney Docket: 14149-12US MG/lly

**RESPONSE TO  
NOTICE TO MISSING REQUIREMENTS UNDER 37 CFR 1.53(b)**

Commissioner for Patents  
Alexandria, Virginia 22313-1450

**Attention: Mail Stop Missing Parts**

Sir:

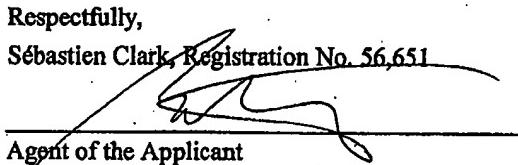
In response to the Notice to File Missing Parts mailed June 27, 2005, a copy of which is enclosed, Applicant now timely submit herewith a duly executed Declaration signed by the inventors.

The Commissioner is hereby authorized to charge the amount of \$65 (declaration Surcharge fee for a small entity in the amount of \$65) and any additional fees that may be required, or credit any overpayment, to account No. 19-5113.

10/03/2005 LLANDGRA 00000088 195113 10519845

01 FC:2617 65.00 DA

Respectfully,  
Sébastien Clark, Registration No. 56,651

  
Agent of the Applicant

OGILVY RENAULT, LLP  
1981 McGill College Ave.,  
Suite 1600  
Montréal, Québec,  
Canada H3A 2Y3  
Tel.: (418) 640-5174 - Fax: (418) 640-1500

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/519,845	Dominique Michaud	14149-12US MG/dp
INTERNATIONAL APPLICATION NO.		
PCT/CA03/01146		
LA. FILING DATE	PRIORITY DATE	
07/29/2003	07/29/2002	
<b>CONFIRMATION NO. 6853</b>		
371 FORMALITIES LETTER		
 *OC000000016385535*		

Date Mailed: 06/27/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/13/2005
- Copy of the International Search Report filed on 01/13/2005
- Copy of IPE Report filed on 01/13/2005
- Small Entity Statement filed on 01/13/2005
- U.S. Basic National Fees filed on 01/13/2005
- Priority Documents filed on 01/13/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- \$65 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

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The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,845	PCT/CA03/01146	14149-12US MG/dp

FORM PCT/DO/EO/905 (371 Formalities Notice)

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# **Auto-Reply Facsimile Transmission**



TO: Fax Sender at 418 640 1561  
Fax Information  
Date Received: 8/4/2005 2:10:57 PM [Eastern  
Total Pages: 7 (including cover page)



**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
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04/08 2005 14:11 FAX 416 649 1500

OGILVY RENAULT

Geo01

Filed by Facsimile  
(703) 746-4060  
August 4, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dominique Michaud  
Serial No.: 10/519,845 LA. Filing date: July 29, 2003  
Title: METHOD FOR ENHANCING THE NUTRITIVE VALUE OF PLANT EXTRACT  
Attorney Docket: 14149-12US MG/Iy!

RESPONSE TO  
NOTICE TO MISSING REQUIREMENTS UNDER 37 CFR 1.53(b)

Commissioner for Patents  
Alexandria, Virginia 22313-1450

Attention: Mail Stop Missing Parts

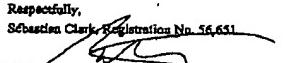
Sir:

In response to the Notice to File Missing Parts mailed June 27, 2005, a copy of which is enclosed, Applicant now timely submit herewith a duly executed Declaration signed by the inventors.

The Commissioner is hereby authorized to charge the amount of \$65 (declaration Surcharge fee for a small entity in the amount of \$65) and any additional fees that may be required, or credit any overpayment, to account No. 19-5113.

Respectfully,

Sebastien Clark, Registration No. 56,651

  
Agent of the Applicant

OGILVY RENAULT, LLP  
1981 McGill College Ave.,  
Suite 1600  
Montréal, Québec,  
Canada H3A 2Y3  
Tel.: (416) 640-5174 - Fax: (416) 640-1500

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September 27, 2005

Patent  
Attorney Docket No. 14149-12US MG/yl

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Dominique Michaud

Serial No.: 10/519,845 I.A. Filing date: July 29, 2003

Title: METHOD FOR ENHANCING THE NUTRITIVE VALUE OF  
PLANT EXTRACT

Attorney Docket: 14149-12US MG/yl

**REQUEST FOR DECLARATION RECORDATION**

Commissioner for Patents  
Alexandria, VA 22313-1450  
U. S. A.

Sir:

A Declaration was filed on August 4, 2005 in response to the Notification of Missing Requirements under 35 U.S.C. 371 for the above-mentioned patent application. Enclosed herewith is a copy of these documents along with the Auto-Reply Facsimile Transmission acknowledging receipt of the declaration.

The fee of \$65 was not charged to our Deposit account number 19-5113 and the Declaration does not appear in the PAIR system.

Applicants duly request the Declaration to be registered against the above patent application.

Respectfully submitted,

Date: September 27, 2005

  
Alexandra Daoud  
Registration No. 55,992

OGILVY RENAULT, LLP  
1981 McGill College Avenue, Suite 1600  
Montreal, Quebec  
CANADA H3A 2Y3  
(514) 847-4333

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# Declaration and Power of Attorney for Patent Application

## Déclaration et Pouvoir pour Demande de Brevet French Language Declaration

En tant qu'inventeur ci-après désigné, je déclare par la présente que:

Mon domicile, mon adresse postale et ma nationalité sont tels que figurant ci-dessous à côté de mon nom.

Je crois être le premier inventeur original et unique (si un seul nom est mentionné ci-dessous), ou l'un des premiers co-inventeurs originaux (si plusieurs noms sont mentionnés ci-dessous) de l'objet revendiqué, pour lequel une demande de brevet a été déposée concernant l'invention intitulée

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### METHOD FOR ENHANCING THE NUTRITIVE VALUE OF PLANT EXTRACT

et dont le mémoire descriptif est ci-joint à moins que la case suivante n'ait été cochée:

a été déposée le 12 janvier 2005 sous le numéro de demande internationale PCT/CA2003/01146 .

Je déclare par la présente avoir révisé et compris le contenu du mémoire descriptif ci-dessus mentionné, incluant les revendications, telles que modifiées par toute modification ci-dessus mentionnée.

reconnais devoir divulguer toute information pertinente à la brevetabilité, tel que défini dans le Titre 37, §1.56 du Code fédéral des réglementations.

Je revendique par la présente la priorité étrangère, en vertu du Titre 35, §119(a)-(d) ou §365(b) du Code des États-Unis, sur toute demande étrangère de brevet ou certificat d'inventeur ou, en vertu du Titre 35, §365(a) du même Code, sur toute demande internationale PCT désignant au moins un pays autre que les États-Unis et figurant ci-dessous et, en cochant la case, j'ai aussi indiqué ci-dessous toute demande étrangère de brevet, tout certificat d'inventeur ou toute demande internationale PCT

the specification of which is attached hereto unless the following box is checked:

was filed on January 12, 2005 as PCT International Application Number PCT/CA2003/01146 .

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations., §1.56.

I hereby claim foreign priority under Title 35, United States Code, §119(a)-(d) or §365 (b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application

**French Language Declaration**

ayant une date de dépôt précédant celle de la demande à propos de laquelle une priorité est revendiquée.

on which priority is claimed.

Prior foreign application(s)  
Demande(s) de brevet antérieure(s)

Priority Not Claimed  
Droit de priorité non revendiqué

(Number)  
(Numéro)

(Country)  
(Pays)

(Day/Month/Year Filed)  
(Jour/Mois/Année de dépôt)

(Number)  
(Numéro)

(Country)  
(Pays)

(Day/Month/Year Filed)  
(Jour/Mois/Année de dépôt)

Je revendique par la présente tout bénéfice, en vertu du Titre 35, §119(e) du Code des États-Unis, de toute demande de brevet provisoire effectuée aux États-Unis et figurant ci-dessous.

60/398,783

(Application No./ N° de demande)

(Application No./ N° de demande)

July 29, 2002

(Filing Date/ Date de dépôt)

(Filing Date/ Date de dépôt)

Je revendique par la présente tout bénéfice, en vertu du Titre 35, §120 du Code des États-Unis, de toute demande de brevet effectuée aux États-Unis, ou en vertu du Titre 35, §365(c) du même Code, de toute demande internationale PCT désignant les États-Unis et figurant ci-dessous et, dans la mesure où l'objet de chacune des revendications de cette demande de brevet n'est pas divulgué dans la demande antérieure américaine ou internationale PCT, en vertu des dispositions du premier paragraphe du Titre 35, §112 du Code des États-Unis, je reconnais devoir divulguer toute information pertinente à la brevetabilité, tel que défini dans le Titre 37, §1.56 du Code fédéral des réglementations, dont j'ai pu disposer entre la date de dépôt de la demande antérieure et la date de dépôt de la demande nationale ou internationale PCT de la présente demande:

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application No.)  
(N° de demande)

(Filing Date)  
(Date de dépôt)

(Status) (patented, pending, abandoned)  
(Statut) (breveté, en cours d'examen, abandonné)

(Application No.)  
(N° de demande)

(Filing Date)  
(Date de dépôt)

(Status) (patented, pending, abandoned)  
(Statut) (breveté, en cours d'examen, abandonné)

**French Language Declaration**

Je déclare que toutes les déclarations faites dans la présente sont à ma connaissance, véridiques et que toutes les déclarations faites à partir de renseignements ou de suppositions sont tenues pour véridiques; et de plus, que toutes ces déclarations ont été faites en sachant que toute fausse déclaration volontaire ou son équivalent est possible d'une amende ou d'une peine d'emprisonnement, ou des deux, en vertu de la Section 1001 du Titre 18 du Code des États-Unis, et que de telles déclarations volontairement fausses risquent de compromettre la validité de la demande de brevet ou du brevet délivré à partir de celle-ci.

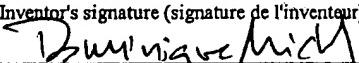
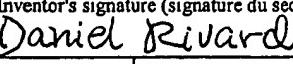
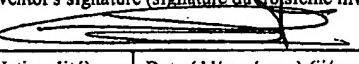
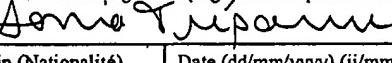
**POUVOIR:** En tant qu'inventeur désigné, Je nomme par la présente l'(les) avocat(s) et/ou agent(s) inclus sous le numéro de client officiel suivant, avec plein pouvoir de révocation et de substitution, chargés de poursuivre cette demande et de traiter toute affaire s'y rapportant avec l'Office des brevets et des marques: (mentionner le nom et le numéro d'enregistrement).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the agents and/or attorneys included in the following Customer Number, with full power of substitution, association, and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

Please send all correspondence and direct all telephone calls to: / Veuillez adresser toute correspondance et tout appel téléphonique à:

**020988**

Full name of sole or first inventor (Nom complet de l'unique ou premier inventeur) <b>Dominique MICHAUD</b>	Citizenship (Nationalité) Canadian	Date (dd/mm/yyyy) (jj/mm/aaaa) <b>10/03/2005</b>
Residence and Post Office address (Domicile et adresse postale) 965 avenue Bégin, Québec, Québec, G1S 3J3, Canada	Inventor's signature (signature de l'inventeur) 	
Full name of second inventor (Nom complet du second co-inventeur) <b>Daniel RIVARD</b>	Citizenship (Nationalité) Canadian	Date (dd/mm/yyyy) (jj/mm/aaaa) <b>25-03-05</b>
Residence and Post Office address (Domicile et adresse postale) 3686 rue Pélissier, apt. 23, Sainte-Foy, Québec, G1X 3W8, Canada	Second Inventor's signature (signature du second inventeur) 	
Full name of third co-inventor (Nom complet du troisième co-inventeur) <b>Raphaël ANGUENOT</b>	Citizenship (Nationalité) Canadian	Date (dd/mm/yyyy) (jj/mm/aaaa) <b>23/03/05</b>
Residence and Post Office address (Domicile et adresse postale) 3065 rue Lemieux, Québec, Québec, G1P 4N6, Canada	Third Inventor's signature (signature du troisième inventeur) 	
Full name of fourth co-inventor (Nom complet du quatrième co-inventeur) <b>Sonia TRÉPANIER</b>	Citizenship (Nationalité) Canadian	Date (dd/mm/yyyy) (jj/mm/aaaa) <b>26/01/05</b>
Residence and Post Office address (Domicile et adresse postale) 314 rue de la Seine, Saint-Nicolas, Québec, G7A 2P8, Canada	Fourth Inventor's signature (Signature du quatrième inventeur) 	
Full name of fifth co-inventor (Nom complet du cinquième co-inventeur) <b>Louis-Philippe VÉZINA</b>	Citizenship (Nationalité) Canadian	Date (dd/mm/yyyy) (jj/mm/aaaa) <b>26/01/05</b>
Residence and Post Office address (Domicile et adresse postale) 206 route 138 Neuville, Québec, Québec, G0A 2R0, Canada	Fifth Inventor's signature (Signature du cinquième inventeur) 